

### **REMARKS**

Claims 61-63, and 70 have been amended. Claims 64-69 and 71-72 have been canceled. Claims 73-83 have been added. No new matter has been added. Claims 61-63, 70, and 73-83 are pending.

#### ***Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel***

Claims have been amended, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 61-63 and 70 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

#### ***Claim Rejections - 35 USC § 103***

The Examiner rejected claims 61-72 under 35 USC § 103(a) as unpatentable over *Radziewicz* (USP 5,854,897) in view of *Landsman et al.* (US 6,880,121 B1). Claims 64-69 and 71-72 have been canceled. The rejection of claims 61-63 and 70 is respectfully traversed.

Independent claim 61 has been amended to incorporate elements similar to elements of original claim 23 of Application Serial No. 09/545,639, which is the parent of the instant application. During prosecution of the parent application, claim 23 was indicated as allowable subject matter.

Specifically, independent claim 61 has been amended to add the elements “comparing an ad file having an associated demographic profile with demographic data for each of multiple registered users and identifying those registered users having demographic information that matches the

demographic profile for the ad file”, “identifying a time period over which the ad file should be played”, and “adding the ad file to a playlist for a computer if the ad file is matched to the demographic information of a registered user of the computer and if the identified time period is available for the computer”. It is respectfully submitted that these elements are not taught or suggested by *Radzewicz* and/or *Landsman*.

Therefore independent claim 61 is allowable. It is further submitted that dependant claims 62-63, 70, and 73-79 are allowable at least by virtue of depending from an allowable base claim. Withdrawal of the rejection is solicited.

### ***Conclusion***

It is submitted that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

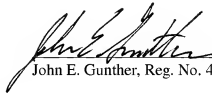
With respect to this filing, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 503456. Should such additional fees be associated with an extension of time, Applicant respectfully requests that this paper be considered a petition therefor.

Appl. No. 10/810,464  
Amdt. Dated 9/11/2008  
Response to Office action dated 07/17/2008

The Examiner is invited to call the undersigned registered practitioner to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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